

2024 漁業與人權

International Forum on Fisheries and Human Rights —
Challenges in Implementing the ILO Work in Fishing Convention

國際論壇

國際勞工組織
《漁業工作公約》
施行之挑戰



Conference Manual

Organizer  Fisheries Agency, Ministry of Agriculture

Co-organizer  Department of Labor Relations, National Chung Cheng University

Execution team  Overseas Fisheries Development Council of the Republic of China

Venue  Grand Hilai Kaohsiung

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention**

We are facing a rapidly changing global fishing industry, alongside challenges arising from the depletion of marine resources and the need to safeguard labor rights. To better understand and address these challenges, the Fisheries Agency will hold the **International Forum on Fisheries and Human Rights: Challenges in Implementing the ILO Work in Fishing Convention** on the 16th of April (Tuesday) at Grand Hilai Kaohsiung. This conference will focus on the implementation of the *Action Plan for Fisheries and Human Rights* in Taiwan, as well as global experiences and challenges in promoting the *ILO Work in Fishing Convention 188*. We will engage in discussions on how to balance the sustainable development of Taiwan's distant water fisheries while ensuring the rights of fishery workers.

The purpose of the ILO Work in Fishing Convention 188 is to improve the working conditions of fishery workers and ensure the comprehensive protection of their rights. This forum brings together international and domestic experts who work at the nexus of distant water fisheries and human rights, including scholars, policymakers, industry representatives, and labor rights advocates. They will share insights and experiences regarding worker protection and sustainable development in fisheries. Four experts from the UK, Japan, Thailand, and Indonesia will share their experiences in implementing the C188 Convention, while speakers from Switzerland, the Philippines, and South Korea will participate in the dialogue online.

This forum aims to draw lessons from the implementation of the C188 Convention in various countries, which will in turn help align Taiwan's domestic regulations with international norms and practices. New ideas and solutions can be introduced into Taiwan's policy-making on fisheries and human rights to strengthen the protection of fishery workers, foster sustainable fisheries, and facilitate better understanding among and dialogue with relevant international and domestic stakeholders.

Organizer: Fisheries Agency, Ministry of Agriculture

Co-organizer: Department of Labor Relations, National Chung Cheng University

Execution team: Overseas Fisheries Development Council of the Republic of China

Date: 16th April, 2024 (Tuesday)

Venue: Grand Hilai Kaohsiung, 15F Exhibition Hall (No.266, Cheng-gong 1st Rd., Kaohsiung)City 801)

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

4/16 (Tuesday)	Agenda for International Forum
09:15- 09:30	Registration
09:30- 09:50	Show Fisheries Agency Video (5 mins) Opening Ceremony (15 mins) Opening Remarks by: (1) Ping-Cheng LO, Minister Without Portfolio, Executive Yuan (2) Junne-Jih CHEN, Acting Minister and Deputy Minister, Ministry of Agriculture
09:50- 10:10	09:50-10:10 Group Photo and Coffee Break
10:10- 12:00	Session 1: Advancing the Action Plan for Fisheries and Human Rights Moderator: Song-Lih HUANG Director, Policy Center, Covenants Watch Speaker: Yi-Hsien CHIU, Senior Specialist, Fisheries Manpower Division, Fisheries Agency, Ministry of Agriculture (20 mins) Title: Progress in implementing the Action Plan for Fisheries and Human Rights Panelists: (60 minutes) 1. Rossen KARAVATCHEV, Fisheries Coordinator, Maritime Department, ITF (UK) Topic: Alternative Perspectives on the Implementation Action Plan for Fisheries and Human Rights: Reviews and Recommendations 2. Kaili LEE, Director of GOH-Migrants, Garden of Hope Foundation Topic: Sustainable Fisheries, Healthy Industry 3. Huang-Cheng CHEN, Chairman, Taiwan Squid & Saury Fisheries Association (TSSFA) Topic: Addressing Fisheries and Human Rights Challenges in Squid & Saury Fisheries 4. Han-Yu LIN, Secretary-General, Taiwan Tuna Association (TTA) Topic: Addressing Fisheries and Human Rights Challenges in Deepsea Tuna Longline Fishery Q&A (30 mins)
12:00- 13:00	Lunch
13:00- 15:10	Session 2: Implementing the ILO Work in Fishing Convention 188: Reform Experiences and Policy Actions

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

	<p>Moderator: Mei-Chun LIU Professor and Chair Graduate Institute of Labor Research, National Chengchi University</p> <p>Speaker: Rossen KARAVATCHEV, Fisheries Coordinator, Maritime Department, ITF (UK) (20 mins) Topic: ILO C188 & Occupational Safety and Health Medical Care – ITF point of view</p> <p>Panelists: (80 minutes)</p> <ol style="list-style-type: none"> 1. Supang CHANTAVANICH, Professor, Institute of Asian Studies, Chulalongkorn University (Thailand) Topic: Thailand Sea Fisheries and Protection of Sea Fishers under C.188 2. Achdiyanto Ilyas PANGESTU, Chairman of Indonesian Fisheries Workers Union (Serikat Pekerja Perikanan Indonesia, SPPI) Topic: The Role of Trade Unions in Fulfilling Workers' Rights in the Fisheries Sector 3. Sotaro USUI, CEO, Usufuku Honten Co., Ltd (Japan) Topic: Working Toward a Sustainable Tuna Fishery 4. (1) Yi-Pin CHANG, Senior Technical Specialist, Planning Division, Occupational Safety and Health Administration (OSHA), Ministry of Labor (MOL) (Taiwan) Topic: Occupational Safety and Health Protection Policy in Taiwan's Fisheries Sector (2) Shao-Chun HU, Section Chief, Fisheries Manpower Division, Fisheries Agency, Ministry of Agriculture (Taiwan) Topic: Inspection of Working Conditions on Distant-Water Fishing Vessels <p>Q&A (30 mins)</p>
15:10-15:30	Coffee Break
15:30-17:00	<p>Session 3: Enforcing the ILO Work in Fishing Convention 188 and Related Challenges</p> <p>Moderator: Supang CHANTAVANICH Professor Institute of Asian Studies, Chulalongkorn University (Thailand)</p> <p>Panelists: (60 mins)</p> <ol style="list-style-type: none"> 1. Chenghsin LEE, Social Work Supervisor, Rerum Novarum Center Topic: Basic Human Rights of Foreign Fishery Workers in Taiwan: Needs and Obstacles

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

	<p>2. Shin Young CHUANG, Director, Advocates for Public Interest Law (APL) (Korea) Topic: Background and Overview of the Newly Adopted Government's Measures on the Protection of Migrant Workers in Korean-Flagged Distant Water Fishing Vessels</p> <p>3. Edwin Dela CRUZ, Migrante International (The Philippines) Topic: Filipino Fishers on Ocean Going Vessels, A Case of Modern Day Slavery</p> <p>4. Lee SWEPSTON, former Senior Adviser on Human Rights, ILO Geneva Topic: Challenges in Implementing C188: What ILO Supervision Reveals So Far.</p> <p>Q&A (30 mins)</p>
17:00	<p>Closing Ceremony Closing Remarks by Chih-Sheng CHANG, Director-General, Fisheries Agency, Ministry of Agriculture</p>

Session 1

Advancing the Action Plan for Fisheries and Human Rights

Moderator Profile

Song-Lih Huang currently serves as the director of the Policy Center at the Covenants Watch. He has been one of the founders of the "Coalition for Monitoring the Implementation of the Two Conventions" since 2009, and has served as the convener of the Covenants Watch from 2013 until 2022.

The Covenants Watch is committed to monitoring the government's efforts in the domestication and implementation of international human rights conventions. Our advocacy initiatives include the State Report Review, a model unique to Taiwan, and follow-up efforts on the Concluding Observations. The Covenants Watch also actively advocated for the establishment of the National Human Rights Commission and the Human Rights Department of the Executive Yuan. In addition, the Covenants Watch was part of the legislative revision effort of the following acts: Organic Act of the Control Yuan National Human Rights Commission, Prison Act, Regulations on Juvenile Correction, and Mental Health Act. It has also participated in the State Report Review and follow-up meetings of various conventions over the years. Over time, the Covenants Watch has honed its expertise in building up a robust national human rights mechanism, effectively translating international human rights law into domestic practice.

Director Huang is also a full-time professor at the Institute of Public Health, National Yang-Ming Chiao Tung University.

Progress in implementing the Action Plan for Fisheries and Human Rights

Yi-Hsien CHIU

Abstract

1. Bordered by the sea, Taiwan boasts a highly developed fisheries sector. Like many other fishing nations, Taiwan depends on foreign fishers to supplement its workforce, particularly due to the demanding working conditions and labor-intensive nature of onboard tasks.

2. In recent years, with the increasing global awareness of human rights, the rights and welfare of fishing vessel crew members have garnered significant attention both at home and abroad. This is very relevant for Taiwan-flagged distant-water fishing vessels, which often recruit (and dismiss) foreign fishing workers from overseas. As a response, in 2017, the Ministry of Agriculture implemented regulations to safeguard the rights and welfare of foreign maritime workers. Yet a small number of fishing vessel operators have violated the rights of their crew members. These incidents have seriously affected the reputation of the country and the distant-water fishery industry. In response, the Taiwan government has conducted an in-depth review and incorporated opinions from all parties, taking into account international conventions and norms, and adopted the "Action Plan for Fisheries and Human Rights" in 2022. The Action Plan has outlined seven key strategies: enforcing proper working conditions, improving living conditions and social protections, strengthening intermediary management, upgrading monitoring capabilities, enhancing oversight of flag of convenience fishing vessels, establishing and deepening international cooperation, and fostering partnerships for the common good. Major improvement measures are being implemented across three main areas: worker rights, onboard facilities, and onshore facilities. The government has also worked to improve the legal framework, bolster monitoring capabilities, and strengthen intermediary/broker management to ensure that fishery workers can work in dignity within a safe and conducive environment. With the support of the state, both industry and civil society can jointly promote the rights and welfare of foreign fishery workers.

3. As we look ahead, there is a growing trend in the international trade of aquatic products towards incorporating practices of human rights protection, corporate responsibility, due diligence, and the prevention of forced labor. To ensure that we can continue to smoothly export our aquatic products to the international market, the government and industry must demonstrate determination and collaborate closely to ensure that the fisheries sector aligns with international human rights requirements. The "Action Plan for Fisheries and Human Rights" underscores the progress we have made in Taiwan. Through collaborative efforts between the public and private sectors, our dedication to fostering the common good, and concerted supervision and cooperation, we are committed to further enhancing the protection of human rights for foreign fishers,

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

while simultaneously advancing the industry and promoting sustainable management practices.

Speaker Profile

Mr. Yi-Hsien Chiu, born and raised in a small fishing village in South Taiwan, his parents are both fishermen engaged in coastal fishing and aquaculture. He holds a master degree from National Taiwan Ocean University. He joined the Taiwan Fisheries Agency in 2000 and served as a fisheries inspector of fishery patrol vessel, technical specialist and section chief, responsible for the management of fishing vessel construction, search and rescue, firmly believes that his enthusiasm and professionalism qualify him for any role.

In 2019, he participated 2019 The Next Generation Leader Program held by the McCain Institute on the recommendation of the American Institute in Taiwan (AIT) . In November 2020, he was transferred to section chief of distant-water fisheries, with the organizational restructuring in September 2023, reassigned as a senior specialist, continued to work on the fisheries labor rights in the Fisheries Manpower Division.

Alternative Perspectives on the Implementation Action Plan for Fisheries and Human Rights: Reviews and Recommendations

Rossen KARAVATCHEV

Speaker Profile

Rossen Karavatchev works in the Maritime Department of the International Transport Workers Federation in London since 2004, with special emphasis on the political work programmes of the Fisheries, Seafarers and Inland Navigation Sections until 2020. He was appointed ITF Fisheries Coordinator in August 2020.

Represents the ITF, and lobby for, and promote the ITF maritime campaigns and positions to external bodies, including relevant UN agencies like the ILO, FAO and IMO and other intergovernmental organisations and major NGOs. He was actively involved in the process of adoption of the ILO Work in Fishing Convention, 2007 and follow up activities on its promotion, ratification, and implementation of both the ILO Maritime Labour Convention and Work in Fishing Conventions.

Originally from Bulgaria, he is 64 years old, and graduated the Bulgarian Naval Academy with M.Sc. in Navigation in 1982. He holds a Captain' certificate for ocean going ships of up to 3000 gt, in addition to college diploma in Applied Mathematics and Computer Science and post graduate diploma in General Law and Public Administration.

Sustainable Fisheries, Healthy Industry

Kaili LEE

Abstract

According to the Fisheries Achievements Report of the Council of Agriculture, since formulating the "Fisheries Sector Development Plan" in 1987, distant-water fisheries have become a crucial aspect of our nation's fishery development goals, leading to a rapid increase in distant-water fishery production. The Council has also continued to advance the transformation and development of the fisheries sector to become a major player in high-sea fishing. Taiwan has been striving to achieve a balance between fishermen's livelihood, industrial progress, and sustainable resource utilization. Considerable effort has been devoted to collaborating with international fishery organizations and implementing scientific management practices to ensure sustainable fishery operations.

At the same time, many international organizations are assessing the present state of affairs. Since the 1950s, global fishing capacity has more than doubled, driven by subsidies, technological advancements, and increased demand for fish products. Most of the capacity growth comes from distant-water fishing vessels. These fleets operate in the waters of lower-income countries, utilizing a cheaper foreign workforce, often without adequate legal oversight, and facing reduced legal risks, thus resulting in higher output values.

Taiwan's distant water fisheries have also attracted much attention. It is crucial to thoroughly examine the existing issues and address the lack of transparency within the industry, while also dispelling doubts about its association with illegal activities. This requires joint efforts among the government, industry players, and international organizations. It is an ongoing process that demands constant review and cooperation from stakeholders.

Speaker Profile

Kaili Lee is the Director of GOH-Migrants at the Garden of Hope Foundation. She has years of experience in assisting victims of human trafficking, offering support services for migrant workers and their families, and engaging in policy advocacy and the integration of inter-professional networks. She is also actively involved in program innovation and international cooperation projects. Deeply involved in non-citizen issues, Lee has led teams in drafting NGO response reports regarding the domestic implementation of international conventions, such as CEDAW, CRC, and ICERD.

Kaili Lee delivers lectures nationwide, offering training for professionals aimed at improving migrant services and enhancing human trafficking prevention knowledge. She serves as an internship supervisor at both domestic and foreign universities. She

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

also contributes to the revision of relevant laws and policies. Drawing on her professional background in sociology and Christian theology, she has demonstrated unwavering dedication as a staunch advocate for human rights and peace.

Addressing Fisheries and Human Rights Challenges in Squid & Saury Fisheries

Huang-Cheng CHEN

Abstract

ILO C188 serves as the guideline for safeguarding the rights of fishery workers, regulating labor conditions such as onboard facilities, working hours, wages, and welfare measures. While essential for workers' rights, compliance with ILO C111 can also lead to increased operational cost and complexity. It is important for all stakeholders to work together and pursue a balanced approach to ensure the mutual prosperity of both workers and employers.

In recent years, the squid and saury fisheries industries have implemented a series of measures to improve the rights of fishing workers:

1. Assist fishing vessels to comply with the International Convention for the Safety of Life at Sea (SOLAS); safeguard the human rights of crew members so that they are free from safety concerns.

Working at sea entails higher risks. Thanks to the joint efforts of the Fisheries Agency and the Marine Port Bureau, our fishing vessels have obtained SOLAS safety certifications. This marks a significant step forward in establishing safety standards for fishing vessels.

In addition to improving facilities and measures, regular education and drills are essential. This is especially crucial considering that novice crew members often make up 20% of the workforce. Consistent drills serve as a safety guarantee.

2. Make incremental efforts to adhere to all aspects of ILO regulations, including living spaces and facilities, CCTV installation to foster a supportive working environment, grievance mechanism, basic wage guarantee, and personal protection. These measures aim to ensure that the squid and saury fisheries remain up-to-date with current standards.
3. Develop a more efficient time management system to prevent timesheets from becoming a mere formality; thoroughly implement time management, reflect the real hours worked, and ensure the rights and welfare of the fishing workers.
4. Provide crew members with universal access to external communications (Wi-Fi).

To encourage managers to provide broad-scale Wi-Fi, it is necessary to combine efforts from all parties, including fishery managers. These efforts involve providing early prevention, and resolving the concerns of ship owners and crew members, thus mitigating the negative impacts that crew members' external communication may bring to vessel management.

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

Offering Wi-Fi to crew members is not solely an issue for distant-water fisheries; it reflects broader issues within fishery management as a whole. Specific actions include:

(1) Fishery administrators should highlight the importance of distant-water fishery industry and provide operators with a business-friendly environment so that ship owners do not need to take risks.

(2) The distant-water fisheries sector is garnering significant global attention. The industry's performance, whether positive or negative, influences Taiwan's reputation and has implications for our export-oriented trade economy, consequently impacting domestic social stability and economic development. Decision-makers must exercise caution and treat this as a matter of national security. Fishery policies should prioritize the sustainable development of the industry while promoting societal stability and national security.

(3) Fishing vessel owners should optimize their management practices and implement measures to foster a more people-oriented, conducive working environment.

Offer onboarding training to enhance the mental resilience of crew members, aiding in their adjustment to working on fishing vessels. Advocate for transparency in brokerage fees, crew debt composition, and settlement mechanisms. Enhance the employment mechanism and adhere to the C188 Convention. Provide onboard support for crew members to ensure peace of mind while working, fostering a mutually beneficial labor-management relationship.

Speaker Profile

Huang-Cheng Chen serves as the chairman of the Taiwan Squid & Saury Fisheries Association. His company oversees operations across five vessels in squid and saury fishing. With 18 years of experience in distant-water fisheries, he actively participates in the public works of the Association. Recognizing the significant challenges confronting the industry, he advocates for the pursuit of a sustainable future. Since assuming his position in 2021, he has spearheaded the Southwest Atlantic Argentine Shortfin Squid Fishery Improvement Project. This initiative aims to enhance the sustainable utilization of aquatic resources and improve human rights conditions within the industry. It seeks to raise awareness among operators regarding their responsibility towards ocean sustainability and human rights protection, fostering a mutually beneficial relationship between employees and employers.

Addressing Fisheries and Human Rights Challenges in Deepsea Tuna Longline Fishery

Han-Yu LIN

Abstract

The distant-water fisheries sector holds strategic significance, encompassing a country's maritime rights and interests, economic concerns, food security, resource management, and diplomatic strategies, among others. First, distant-water fisheries, like energy and mining sectors, are resource-based strategic industries. With nearshore fishery resources facing serious depletion, it is necessary for countries to fully develop and utilize high-seas resources, implementing a "resource replacement" strategy and reducing the pressure of overexploitation of nearshore resources. Secondly, distant-water fisheries have a significant stimulative effect, driving surrounding industries and contributing to job creation. Thirdly, distant-water fisheries offer opportunities for expanding diplomatic relations and fostering economic cooperation.

We observe a global trend where international fishery management and key market countries are committed to combating IUU fishing and prioritize the human rights protection for fishery workers. The trade of aquatic products has been linked to efforts to combat IUU fishing and eradicate forced labor.

In light of the growing challenges in the business environment, the distant-water tuna longline fishery aims to address industry-specific characteristics and identify viable improvement measures aligned with the ILO No.188 Convention, indicators of forced labor, and Taiwan's commitment to human rights and the rule of law. It is essential to safeguard fishing workers' rights and welfare, while also striving to foster prosperity within the industry.

In the global distant-water fisheries sector, we can enhance our competitiveness through diligence and dedication. We aspire for Taiwan to progress steadily towards sustainable fisheries practices and enhance its capacity to deliver high-quality aquatic products to markets worldwide.

Speaker Profile

Han-Yu Lin is the Secretary-General of Taiwan Tuna Association (TTA), President of the Distant-Water Youth Association, and Supervisor of the Kaohsiung City Navigation Association.

During his tenure, he spearheaded the Pacific Albacore Tuna Fishery Improvement Plan, Electronic Observer Pilot Project, and Project on Seabird-scaring Lines. He helped formulate the template that records the weekly and daily work schedules for fishing vessel crews, and worked on appointing experts to revise the labor contract template for foreign fishery workers. He also worked with National Chung Cheng

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

University on "Leveraging Technology to Improve Maritime Human Rights Protection and Sustainable Development: Devising Appropriate Labor Policies for a People-centered Distant-Water Fishery" and completed the signing of the "Collective Agreement on Promoting Fair Working Conditions for Seafarers and Sustainable Industry Development" with the Indonesian Fishermen's Union (SPPI). He has actively involved in writing and participating in relevant international and domestic conferences on fisher human rights to advocate for the industry.

Session 2

Implementing the ILO Work in Fishing Convention 188: Reform Experiences and Policy Actions

Moderator Profile

Mei-Chun Liu is a professor and the Chair of the Graduate Institute of Labor Research, National Chengchi University. She was a member of the Human Rights Protection and Promotion Committee of Executive Yuan (15th and 16th term), the president of the Taiwan Higher Education Union (2015-2021), and the president of the Taiwan Healthcare Reform Foundation (2011-2014). Her main research areas include gender equality in the workplace, rights of migrant workers, age discrimination against middle- and elderly-aged workers, collective bargaining rights, and social inequality.

ILO C188 & Occupational Safety and Health Medical Care: ITF point of view

Rossen KARAVATCHEV

Speaker Profile

Rossen Karavatchev works in the Maritime Department of the International Transport Workers Federation in London since 2004, with special emphasis on the political work programmes of the Fisheries , Seafarers and Inland Navigation Sections until 2020. He was appointed ITF Fisheries Coordinator in August 2020.

Represents the ITF, and lobby for, and promote the ITF maritime campaigns and positions to external bodies, including relevant UN agencies like the ILO, FAO and IMO and other intergovernmental organisations and major NGOs. He was actively involved in the process of adoption of the ILO Work in Fishing Convention, 2007 and follow up activities on its promotion, ratification, and implementation of both the ILO Maritime Labour Convention and Work in Fishing Conventions.

Originally from Bulgaria, he is 64 years old, and graduated the Bulgarian Naval Academy with M.Sc. in Navigation in 1982. He holds a Captain' certificate for ocean going ships of up to 3000 gt, in addition to college diploma in Applied Mathematics and Computer Science and post graduate diploma in General Law and Public Administration.

Thailand Sea Fisheries and Protection of Sea Fishers under C.188

Supang CHANTAVANICH

Abstract

Thailand ratified C 188 in 2019 after being given a Yellow Card from EU on IUU fishing in 2015. One major aspect of illegality is related to the exploitation of Thai and migrant sea fishers. ARCM-ILO study in 2013 found three aspects of forced labor indicators practised among employers especially in the overseas fishing industry: wage withholding, lack of work contract, and inadequate and irregular rest hours. The government inaugurated the Royal Ordinance on Fisheries B.E. 2558 (2015) to prevent IUU fishing, preserve aquatic resources and environment, and achieve good governance in management of sea resources and labor. It set up a Command Center for Combatting Illegal Fishing (CCCIF) to oversee the fishing and employment practices and address the forced labor situation. The interventions were successful and the yellow card was lifted in 2019. However, the complaints from vessel owners via National Fisheries Association of Thailand (NFAT) call for the revision of the Ordinance to relax the measures mainly on the on-board transfer of catches and sea fishers, and the cancellation of the required namelist of sea fishers together with seamen book and pay slip to be submitted at the port-out inspection. The CSOs criticized such call for relax as the deregulation and deviation from C.188 while the newly elected government agreed with the relaxation in the ongoing debates.

Speaker Profile

Supang Chantavanich is a professor at the Asian Research Center for Migration (ARCM) and the Institute of Asian Studies, Chulalongkorn University, Thailand.

The Role of Trade Unions in Fulfilling the Rights in Fisheries Sector and Sustainable Development in Fisheries Sector

Achdiyanto Ilyas PANGESTU

Abstract

The fisheries sector, crucial for both economic sustenance and environmental balance, has long grappled with issues of labor rights and sustainability. This presentation delves into the multifaceted role of trade unions in addressing these challenges and fostering sustainable development within the fisheries sector.

Foundational to this discussion are international frameworks such as the International Maritime Labour Convention, ILO 2006, which sets standards for workers' rights including wages, working hours, and safe conditions, among others. Drawing from global best practices, trade unions have championed the implementation of these guidelines, ensuring the protection and welfare of fisheries workers worldwide. Furthermore, through training materials and research reports, unions have endeavored to safeguard migrant workers and mitigate the impact of climate change on working conditions and sustainability within the sector.

The Indonesian Fisheries Workers Union (SPPI) stands as a pivotal example of union advocacy and representation. Established in 2013, SPPI has actively worked to protect the rights and welfare of Indonesian fisheries workers. Through its central and branch offices across the country, as well as international representation in Taiwan and South Korea, SPPI has collaborated with stakeholders to advocate for better working conditions and sustainability practices within the industry.

Indonesian policies, both domestic and international, provide a regulatory framework for the governance of fisheries workers' rights. Laws such as No. 18/2017 on the protection of migrant workers and Government Regulation No. 22/2022 on the employment and protection of fishing boat crew outline crucial protections for workers in the sector. Additionally, international instruments like the International Maritime Labour Convention (MLC) of 2006 and the Convention on International of the Sea (UNCLOS) of 1982 provide further guidance and standards for the protection of maritime workers, including those in the fisheries sector.

Ultimately, the collaboration between trade unions, governments, and civil society organizations, exemplified by SPPI and Indonesian policies, plays a pivotal role in advancing workers' rights and ensuring the sustainable development of the fisheries sector. By upholding international standards and advocating for the welfare of fisheries workers, trade unions contribute significantly to a more equitable and environmentally responsible industry.

Speaker Profile

Since 2014, Achdiyanto Ilyas Pangestu has served as the Chairman of the Indonesian Fisheries Workers Union (SPPI), dedicated to improving the welfare and rights of workers in the fisheries sector. Additionally, since 2015, he has been the Director of PT. MASKOTT TIRTA KENCANA, demonstrating his expertise in management and leadership. In the same year, he also assumed the role of Commissioner at PT. PRIME TRAVEL.

Since 2016, Achdiyanto also has chaired the Samudera Nusantara Foundation, and has served as the Chairman of the BMI Cooperative - Banten, contributing to local economic development and enhancing financial accessibility since 2016. Moreover, from 2021 to 2025, he is serving as the Secretary General of Garda BMI. In this role, he coordinated various organizational activities and advocated for member interests.

With extensive experience and a high commitment to various fields, Achdiyanto Ilyas Pangestu continues to make positive contributions to the economic, social, and political sectors in Indonesia.

Toward Sustainable Fisheries

Sotaro USUI

Abstract

Usufuku Honten Co., Ltd. is a fishing company founded in 1882, headquartered in Kesennuma City, Miyagi Prefecture, Japan. The Tōhoku Earthquake in 2011 heightened our awareness of the importance of energy, food, and the connections between people.

In the aftermath, we embraced the motto "Coexistence with the Sea" to share our awareness with the public. We explore new approaches to fisheries management to rejuvenate Japan's declining fishing industry and infuse it with vitality, charm, and sustainability. We also carry out campaign activities on a daily basis.

In 2012, we founded the "Association to Promote the Kesennuma Fish Products in School Lunches," advocating for the inclusion of locally sourced seafood in school meals. We also conduct nutritional education initiatives for children, both domestically and internationally, emphasizing the importance of the primary industry and its link to the food we consume and our daily essentials.

In 2020, we became the world's first company to obtain MSC certification for Atlantic bluefin tuna fishery. Moving forward, we are committed to enhancing the traceability systems for seafood products and promoting the idea of sustainable fisheries and supply chains, both domestically and internationally.

I firmly believe that our responsibility lies in upholding relevant international and domestic agreements aimed at protecting the Earth's environment, while also spearheading new initiatives in tuna fishing in Japan.

Speaker Profile

Sotaro Usui was born in 1971 in Kesennuma City, Miyagi Prefecture, Japan. After graduating from university, he served as a commissioner for the Japan Tuna Fisheries Cooperative Association in the Canary Islands, Spain. In 1997, he joined the family business, Usufuku Honpo Co., Ltd., and in 2012, he assumed the position of the fifth president. The company achieved global recognition in 2020 by becoming the first in the world to obtain MSC certification for Atlantic bluefin tuna fishing.

He previously served as the chairman of the National Association of Young Ship Owners in the Distant Waters Tuna Fisheries. Currently, he is the representative of the Association to Promote the Utilization of Kesennuma Fishes in School Lunches, a director of the Kesennuma Fisheries Cooperative Association, and a promoter for the Fisheries Agency on fish-based diet matters.

Occupational Safety and Health Protection Policy in Taiwan's Fisheries Sector

Yi-Pin CHANG

Abstract

To ensure the safety and health of workers, we have enacted the Occupational Safety and Health Act, which coverage broaden to all industries since July 2014, including workers in the fishing industry. The purpose of the ILO-C188 Working in Fish Convention is to provide comprehensive protection for the rights of seafarers, which is generally aligned with the purpose of the Occupational Safety and Health Act. However, when it comes to seafarers employed overseas and their unique working conditions on fishing vessels, the provisions of the Occupational Safety and Health Act are not fully applicable. To resolve the issue, we are advancing the domestic legalization of the C188 Convention through an enforcement act.

Speaker Profile

Yi-Pin Chang is a Senior Technical Specialist at the Planning Division of the Occupational Safety and Health Administration (OSHA), Ministry of Labor (MOL). Licensed civil engineer and structural engineer, with professional background in civil engineering, labor inspection, and occupational hazard prevention. He is responsible for formulating, promoting, and supervising labor inspection policies, regulations, and systems, as well as promoting international exchanges and cooperation in occupational safety and health affairs.

Inspection of Working Conditions on Distant-water Fishing Vessels

Shao-Chun HU

Abstract

To safeguard the rights of foreign crew members employed overseas, ensure the enforcement of relevant laws and regulations, and fulfill port state responsibilities, the Fisheries Agency of the Ministry of Agriculture conducts inspections on the working conditions of fishing vessels. More details as follows.

1. Inspection target: First, based on the "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members", the annual goal is to inspect at least 50% of fishing vessels flying the flag of the Republic of China. Secondly, in accordance with the "Joint Inspection Mechanism for Non-ROC Fishing Vessels Entering ROC Ports," ad-hoc inspections are conducted on foreign fishing vessels (including FOC vessels) entering ROC ports, with the goal of inspecting at least 15% of FOC vessels entering every year.
2. Inspection items: Inspectors interview foreign crew members using questionnaires and interpretation assistance to assess aspects such as labor contracts, salary payments, broker fees, working hours, living and working conditions, injury and illness treatment, and more. They also inspect onboard facilities, including medical supplies, timesheets, living quarters, safety equipment, and information on complaint channels.
3. Inspection locations: In addition to inspections at domestic ports, inspectors have also been dispatched to ports such as Mauritius, Cape Town in South Africa, the Marshall Islands, and Fiji to inspect ROC-flagged distant-water fishing vessels. Beginning in 2023, impartial third-party institutions have been commissioned to inspect vessels at overseas ports. Onboard inspections are also conducted with the support of Coast Guard patrol vessels.
4. Professional capabilities of inspectors: To enhance the professional skills of inspectors, the Fisheries Agency regularly invites domestic and international experts, scholars, NGO representatives, and industry professionals to deliver lectures and share experiences. Inspectors also participate in human trafficking prevention training sessions organized by relevant ministries and in ILO courses focused on inspecting labor conditions aboard fishing vessels.

Once the domestic adoption of ILO C188 is finalized, all fishing vessels and distant-water fishing vessels that remain at sea for at least 3 days and have a length of at least 24 meters will be subject to inspection to ensure compliance with the relevant living and working conditions regulations of the Convention. Certification documents will be issued accordingly. This process involves coordination among the Ministry of

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

Agriculture, Ministry of Labor, and Ministry of Communication, which can pose challenges. It remains to be discussed in the future to improve the inter-ministerial inspection mechanism.

Speaker Profile

Shao-Chun Hu currently serves as the Section Chief of the Foreign Manpower Section at the Fisheries Agency, Ministry of Agriculture. He is tasked with formulating and promoting policies concerning foreign crew members on distant-water fishing vessels, as well as overseeing the domestic legalization process of the ILO C188 Convention. He served as a technical assistant, technician, and technical specialist at the Fisheries Administration Department. During that time, he was responsible for managing fuel subsidies and fishing vessel retirement/replacement policies. He worked with the Ministry of Transportation's Maritime Port Bureau to develop accommodation standards for fishing vessels in line with the ILO C188 Convention. To meet these standards, fishing vessels needed to increase the tonnage, so he led a review aimed at relaxing the vessel replacement policies. In June 2022, he was appointed as a technical specialist at the Distant-water Fisheries Department, tasked with overseeing the implementation of the "Action Plan for Fisheries and Human Rights." He served as a lecturer in the human trafficking prevention education and training courses and international workshops organized by the National Immigration Agency. In October 2023, he was promoted to Section Chief of the Fisheries Manpower Section. With his extensive experience, he holds a deep understanding of the policies and systems aimed at protecting the rights and welfare of foreign crew members on distant water vessels.

Session 3

Enforcing the ILO Work in Fishing Convention 188 and Related Challenges

Moderator Profile

Supang Chantavanich is a professor at the Asian Research Center for Migration (ARCM) and the Institute of Asian Studies, Chulalongkorn University , Thailand.

Basic Human Rights of Foreign Fishery Workers in Taiwan: Needs and Obstacles

Chenghsin LEE

Abstract

Among all occupations taken by migrant workers in Taiwan, the working and living conditions in capture fisheries stands out as the most worker-unfriendly. The working environment, characterized by its precarious, labor-intensive, and isolated nature, poses significant risks, particularly for foreign crew members. The isolated nature of the work makes it difficult for outsiders to comprehend the challenges faced by these workers and hampers efforts to provide adequate protection or supervision. Consequently, human rights violations and inhumane incidents at sea are unfortunately common occurrences.

There are currently two ways in Taiwan to recruit foreign fishing workers, recruiting domestically or overseas. Domestic recruits mainly serve nearshore fisheries, while workers hired overseas typically work in distant-water fisheries. The legal basis for hiring and the supervisory authorities are all different. Crew members employed domestically follow the “Employment Service Act” and their rights are protected under the “Labor Standards Act”, which are both under the jurisdiction of the Ministry of Labor. For employing crew members overseas, they are three sets of legal instruments: “Regulations on the Management of Overseas Employment of Foreign Crew Members,” “Regulations on the Management and Approval of Fishing Vessel Operators Employing Crew Members Overseas and Transferring and Temporarily Settling Crew Members from Mainland China,” and “Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels (FOC Vessels).” The supervisory authority is the Fisheries Agency, so the workers are not covered under the Labor Standards Act.

Thus, the working conditions and rights of fishing workers employed overseas are more susceptible to exploitation and abuse. This is primarily due to the reluctance of the Ministry of Labor and the Ministry of Agriculture to extend the coverage of the Labor Standards Act to this group of workers.

Foreign crew members employed domestically and overseas perform the same work, but often receive different levels of compensation. The working conditions at sea can vary vastly. Compounded by languages and cultural barriers, the foreign fishing workers often lack access to basic living conditions, and may even be deprived of their rights to communicate externally.

Many non-profit organizations are vocal advocates for migrant workers, tirelessly campaigning for the rights and welfare of foreign fishing workers. Drawing on real-world cases, these NGOs stress the importance of showing care and respect for the fundamental human rights of foreign crew members. It is the government’s

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

responsibility to ensure the living standards and safety of foreign crew members. Such a commitment also reflects our respect to other nations in the international arena.

Speaker Profile

Chenghsin Lee currently works as a social worker supervisor at Rerum Novarum Center, Society of Jesus of Catholic Church. With 12 years of experience living in Indonesia, he understands Indonesian culture and customs. He is able to support migrant workers working in Taiwan by empowering them through professional social work approaches, including individual, group, and community-based interventions aimed at enhancing their understanding and problem-solving abilities. By doing so, migrant workers gain the necessary resources and tools to navigate challenges effectively and develop problem-solving abilities.

When Lee provides mobile outreach service at fishing ports, he often encounters foreign crew members who lack sufficient physiological, mental, and social support. These challenging environments often leave workers in vulnerable positions, torn between competing interests.

**Background and Overview of the Newly Adopted Government's
Measures on the Protection of Migrant Workers in Korean-Flagged
Distant Water Fishing Vessels**

Shin Young CHUNG

Abstract

Korea is one of the leading countries with a distant water fishing industry. However, the success of the industry heavily relies on the exploitation of migrant workers, who are now 80% of the total workforce in Korean distant water fishing vessels. However, the labor conditions and the treatment of the migrant workers in the Korean-flagged distant water fishing vessels have been considered to amount to human trafficking or forced labor. In 2022, the Republic of Korea was downgraded from Tier 1 to Tier 2 after 20 years of being in Tier 1 in the Trafficking in Persons Report published by the US Department of State. Furthermore, the human rights experts under the United Nations Human Rights Council sent a communication to the Korean government regarding the abuse and exploitation of migrant workers in the industry. After the international and domestic pressures, the Ministry of Oceans and Fisheries (MOF) started the discussion with the stakeholders, including industry and the CSOs. As a result, the MOF introduced measures to improve the working conditions and the treatment of migrant workers in distant water fishing vessels in March 2024.

The MOF actively engaged with the stakeholders, including CSOs, throughout the procedure to draft the measures, and this has resulted in the joint announcement of the measures both with industry and the CSOs such as Advocates for Public Interest Law (APIL) with Environmental Justice Foundation (EJF). The new measure is distinguishable from the previous measures since the MOF broadened the meaning of human rights violations from physical violation to forced labor and human trafficking based on the definition under the internationally recognized human rights frameworks. Finally, the new measure tries to strengthen the role of the government and the CSOs in monitoring the implementation of the measures. Despite the limits and challenges with the implementation, there are meaningful changes in the measures addressed by the MOF. The challenges and limitations of the measures will also be addressed through the session.

Speaker Profile

Shin Young Chung is a public interest lawyer with over 12 years of experience assisting vulnerable migrants and addressing human rights violations by Korea-based multinational companies. She is the director of Advocates for Public Interest Law based in Korea. She has closely worked with the migrant fishers to bring changes to the legal framework and policy leading to the human trafficking and forced labor of the migrant

**International Forum on Fisheries and Human Rights:
Challenges in Implementing the ILO Work in Fishing Convention
15 April 2024 | Fisheries Agency, Ministry of Agriculture**

fishers in Korean fishing vessels. Her recent work focuses on investigating the Korean corporations' human rights and environmental impacts in their oil palm plantations in Indonesia, urging the corporations and the government to redress the harms they have caused. She has also actively engaged in research and advocacy through domestic and international human rights mechanisms.

Filipino Fishers on Ocean Going Vessels, A Case of Modern Day Slavery

Atty. Edwin Dela Cruz

Abstract

The Philippines is a source of more than 10,000 Fishers working on Ocean Going Vessels. Although there is a nominal contract called the POEA Standard Agreement, now called the DMW Standard Agreement, stating the wages, hours of work, leave pay, shore leave, overtime pay, holiday and regular rest day every week, this agreement is blatantly violated by shipowners and the master of the vessel. The fishers are not allowed regular shore leaves and the vessel stays in the middle of the sea in the fishing grounds, where it is approached by loading barges and ships to get the harvest. There is no compliance with the regular sleeping requirements after every 10 hours of work, nor of the weekend rest day stated in the contract. The wages are delayed for months in many actual cases and the remittance to the families are usually delayed. Pay on board is negligible and the agreed wages are not followed. The problem is that the fishers are suffered to stay on board the ship and work without shore leave and regular weekly rest days as the ship is away from the shore for many months. This in essence is Forced Labor without commensurate remunerations, equivalent to human trafficking and modern day slavery. Fishers suffered during the COVID 19 pandemic with many months of being stranded in the middle of the sea without sufficient food, water, medicine and supplies. Many got sick without medical attention. A number of fishers died in the open seas. To respond to this crisis, an alliance of grassroots and seafarers rights advocates was formed in the Philippines in 2021 called the SEANETWORK for Seafarers Empowerment Advocates Network. They assisted many fishers who were stranded and their families to ensure that they be given food and water and the fishers abandoned by the shipowners and employers be rescued and repatriated. The Philippines is not a signatory to the ILO Convention 188.

Speaker Profile

Atty Edwin Dela Cruz is a member of the Global Council of MIGRANTE International representing seafarers. Migrante International is a global alliance of grassroots migrant organization in some 22 countries worldwide. He is also the President of the International Seafarers Action Center (ISAC) Philippines an institution advocating for the rights of seafarers and fishers. He is a labor lawyer who specializes in cases of overseas Filipino workers landbased and seabased including seafarers and fishers for the past 25 years. He was the legal counsel of the ITF FOC Philippines from 1998 to 2001.

Challenges in Implementing C188: What ILO Supervision Reveals So Far

Lee Swepston

Speaker Profile

Lee Swepston had his law degree from Columbia University (New York). He was an official of the International Labour Organisation (ILO) for 34 years, and was Senior Advisor on Human Rights. He has taught a Masters degree course on international labour law and human rights, and has consulted with the Government of Taiwan on introducing international labour standards into Taiwan's law and practice. He has written extensively on human rights and international labour law, child labour, forced labour, freedom of association, discrimination, and indigenous and tribal peoples.



20 漁業與人權國際論壇

24 國際勞工組織《漁業工作公約》施行之挑戰

International Forum on Fisheries and Human Rights –
Challenges in Implementing the ILO Work in Fishing Convention.